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GERALD ARMSTRONG

CLERK'S OFFICE
COURT OF APPEAL - SECOND DIST.
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10 COURT OF APPEAL OF THE STATE OF CALIFORNIA
11 SECOND APPELLATE DISTRICT

12 DIVISION _____

13 CHURCH OF SCIENTOLOGY)
14 INTERNATIONAL, a California)
not-for-profit religious)
15 corporation;)
16 Plaintiffs,)
17 vs.)
18 GERALD ARMSTRONG; DOES 1)
through 25, inclusive,)
19 Defendants.)
20 _____)
21

No. BC 052395
NOTICE OF PRIOR RELATED APPEAL
DECLARATION OF FORD GREENE

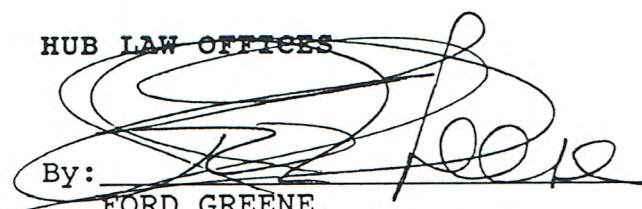
22 TO: ALL INTERESTED PARTIES AND TO THEIR ATTORNEYS OF RECORD.

23 PLEASE TAKE NOTICE that Defendant and Appellant Gerald
24 Armstrong hereby gives notice that WITH RESPECT to the instant
25 appeal, there exists a prior related appeal. The prior related
26 appeal is as follows: Church of Scientology v. Gerald Armstrong,
27 Court of Appeal, Second District, Division Three (1991) Nos.
28 B025920, B038975 reported at 232 Cal.App.3d 1060.

COPY

1 DATED: July 29, 1992

HUB LAW OFFICES



By: FORD GREENE
Attorney for Defendant and
Appellant
GERALD ARMSTRONG

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1 FORD GREENE declares:

2 1. I am an attorney licensed to practice law in the Courts
3 of the State of California and am the attorney of record for
4 GERALD ARMSTRONG, appellant herein.

5 2. The instant appeal arises from the grant of an
6 injunction by the Honorable Ronald M. Sohigian, Department 88, Los
7 Angeles Superior Court, on May 28, 1992. Said injunction re-wrote
8 and enforced certain provisions of a settlement agreement between
9 Armstrong and the Scientology Organization. The settlement
10 agreement required Armstrong not to testify against Scientology
11 unless he was subpoenaed and to avoid the service of any subpoena
12 which would compel him to testify.

13 3. In Church of Scientology v. Gerald Armstrong, Court of
14 Appeal, Second District, Division Three (1991) Nos. B025920,
15 B038975 reported at 232 Cal.App.3d 1060, this court stated:

16 Armstrong, who did not participate in the
17 hearing on the motion below, has filed a brief
18 claiming the record should be unsealed because
19 the Church has failed to comply with the terms
20 of its settlement agreement with him. His
21 declarations to the latter effect are not
22 properly before us on appeal, as they were not
23 considered by the trial court. We therefore
24 consider neither the meaning of the portions
25 of the settlement agreement to which he refers
26 nor the question whether the Church has
27 complied therewith.

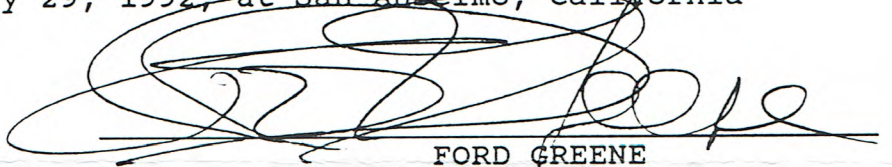
28 232 Cal.App.3d at 1070, fn. 5.

29 4. Now, Armstrong's declarations regarding the settlement
30 agreement are properly before this Court,

31 5. In the interest of judicial economy, the herein appeal
32 should be referred to the same appellate panel that is already
33 familiar with the history of this case.

1 Under penalty of perjury pursuant to the laws of the State of
2 California I hereby declare that the foregoing is true and correct
3 according to my first-hand knowledge, except those matters stated
4 to be on information and belief, and as to those matters, I
5 believe them to be true.

6 Executed on July 29, 1992, at San Anselmo, California

7 
8 FORD GREENE

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PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following documents: NOTICE OF PRIOR RELATED APPEAL on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California:

Andrew H. Wilson
WILSON, RYAN & CAMPILONGO
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COUNTY CLERK
Los Angeles Superior Court
111 N. Hill Street
Los Angeles, California

[X] (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.

[X] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

DATED: July 21, 1992

